

# **GARFIELD COUNTY, UTAH**

## **ORDINANCE NO. 2019-4**

### **AN ORDINANCE AMENDING CHAPTER 9 OF THE GARFIELD COUNTY, UTAH ZONING ORDINANCE.**

**WHEREAS**, The Board of County Commissioners of Garfield County, Utah deem it necessary to amend Chapter 9 of the Garfield County Zoning Ordinance in the interest of the health, safety and welfare of the citizens of Garfield County, Utah. Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

Be it ordained by the Board of Commissioners of Garfield County, Utah as follows:

## **Chapter 9. PLANNED UNIT DEVELOPMENT**

### **9-1 Purpose.**

The purpose of a Planned Unit Development is to allow for diversification of uses within a single property or development and to permit more flexibility in the use of such sites.

### **9-2 Concept.**

Planned Unit Developments are integrated designs for a combination of uses normally allowed in various zoning districts. In Planned Unit Developments specific regulations are combined, waived or varied to allow flexibility of design and location, in accordance with requirements specified in this chapter.

### **9-3 Planned Unit Development Permit.**

Planned Unit Developments may be allowed by recommendation of the Garfield County Planning Commission and approval of the Garfield County Commission in any zoning district. Compliance with the regulations of this Ordinance in no way excuses the developer from the applicable requirements of the Garfield County Zoning and Subdivision Ordinances, except as specifically documented and authorized in the approval process. An applicant shall follow the provisions outlined by the Planning Commission or their representative.

### **9-4 Required Conditions.**

1. No Planned Unit Development shall have an area less than that approved by the Planning Commission as adequate for the proposed uses.
2. All Planned Unit Developments shall be approved by the Garfield County Commission, and plats meeting the requirements of the Garfield County Subdivision Ordinance shall be recorded in the office of the Garfield County Recorder.
3. The development shall be in single or corporate ownership at the time of approval or the subject of an application filed jointly by all owners of the property.

4. The Planning Commission shall require such arrangements of structures and open spaces within the site development plan as necessary to assure that adjacent properties will not be adversely affected.
  - a. Dwelling unit and land use intensity shall be indicated.
  - b. Where feasible, lowest height and least intensity of buildings and uses shall be arranged around the boundaries of the development.
  - c. Lot area, width, yard, height, density and coverage regulations shall comply with the Intrastate Building Code and shall be documented on the site development plan.
  - d. Residential areas shall comply with Garfield County's Zoning and Subdivision Ordinances.
5. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:
  - a. Dedication of the land as a system, public park or parkway system,
  - b. Granting to the County a permanent, open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in recreational uses, with ownership and maintenance being the responsibility of an Owners Association established with articles of association and by-laws which are satisfactory to the County Commission, or,
  - c. Complying with the provisions of the Condominium Ownership Act (U.C.A.57-8), which provides for the payment of common expenses for the upkeep the common areas and facilities.
6. Landscaping, fencing and screening within the site shall be presented to the Planning Commission for recommendation, together with other required plans for the development.
7. The size, location, design and nature of signs, if any, and intensity and direction of area or flood-lighting shall be detailed in application. Night sky friendly lighting is encouraged.
8. A grading and drainage plan detailing easements, geologic and flood hazards shall be submitted to the Planning Commission with the application.
9. Prior to final approval, the Planned Unit Development applicant shall furnish and file with the Garfield County Clerk, a surety bond to assure that the actual construction of proposed public improvements is completed within specified time frames. Phase bonding shall be allowed for phase development. The form and bond shall be approved by the Planning Commission, Garfield County Commission and the Garfield County Attorney. Bonds may include, but are not limited to insurance, bonds, escrow deposits, irrevocable letters of credit, or other method approved by Garfield County.

**9-5 Uses Allowed.**

Subject to review and approval of the Planning Commission, uses allowed in a Planned Unit Development shall conform to permitted uses allowed in Garfield County zoning districts. For the purposes of this chapter, Multiple Family Dwellings may be allowed in residential areas of the Planned Unit Development.

**9-6 General Site Plan.**

Applications shall be accompanied by a general site plan showing:

1. The uses, dimensions, sketch elevations and locations of proposed structures.
2. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping and other open spaces.
3. Drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses.
4. Such other pertinent information, including residential density, coverage and open space characteristics, as necessary.

**9-7 Review by Planning Commission.**

Prior to recommendation of the Planning Commission, the following provisions shall be met, upon request. Proponents of the Planned Unit Development shall:

1. Demonstrate financial ability to carry out the project.
2. Submit an intended phasing schedule and shall start construction within one (1) year of approval.
3. Apply for all necessary permitting and shall proceed with construction in a timely manner in accordance with applicable building codes.
4. Complete the construction of approved phases within a reasonable time from the date construction begins.

**9-8 Scope of Planning Commission Action.**

In carrying out the intent of this Chapter, the Planning Commission shall consider the following principles:

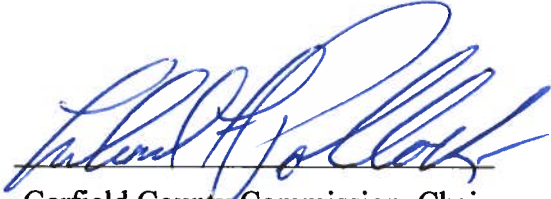
1. A licensed surveyor shall be used to survey all properties for the Planned Unit Development.
2. The Planning Commission may recommend or disapprove an application for a Planned Unit Development. If recommended, the Planning Commission may attach such conditions as deemed necessary to protect the public interest. The denial by the Planning Commission of an application for a Planned Unit Development may be appealed to the County Commission.
3. The County Commission shall review Planned Unit Developments recommended by the Planning Commission and may approve, deny or modify to protect the public interest. County Commission decisions will be final.

**9-9. Construction Limitations**

1. Upon approval of a Planned Unit Development, constructions shall proceed only in accordance with the plans and specifications recommended by the Planning Commission and shall conform with any conditions of County Commission approval.
2. Amendments to approved plans and specifications shall be obtained only by following procedures for an initial Planned Unit Development.
3. No permit shall be issued for any proposed building, structure or use within the Planned Unit Development unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

## ADOPTION

Passed and adopted by the Board of County Commissioners of Garfield County, Utah, this 22<sup>nd</sup> day of April, 2019.



Garfield County Commission, Chair  
Leland F. Pollock

ATTEST:



Garfield County Auditor/Clerk  
Camille A. Moore

County Seal:

